

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT MERRITT	:	CIVIL ACTION
	:	
v.	:	NO. 13-0580
	:	
THE STATE OF PENNSYLVANIA,	:	
NORTHAMPTON COUNTY	:	
CORRECTIONAL CENTER and	:	
STEVEN GULLO	:	

ORDER

AND NOW, this 8th day of May, 2013, upon consideration of the plaintiff's motion to proceed *in forma pauperis*, **IT IS ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. §1915.
2. The plaintiff, Robert Merritt, #23121, shall pay the filing fee of \$350.
3. Based on the plaintiff's financial record, an initial partial filing fee is not assessed.
4. The Warden or other appropriate official at Warren County Correctional Center or any prison at which the plaintiff may be incarcerated shall, after the initial partial filing fee is paid and until the balance of the filing fee is paid in full, deduct from the plaintiff's account, each time that the plaintiff's inmate trust fund exceeds \$10, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount, to be credited to Civil Action No. 13-0580, to the Clerk of Court, United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106.

5. The complaint is to be filed against the defendant Steven Gullo only.

6. The summons is to issue, service of the summonse and complaint is to be made upon the defendant Steven Gullo by the U.S. Marshals Service in the event that waiver of service is not effected under FED. R. CIV. P. 4(d)(2). To effect waiver of service, the Clerk of Court is specially appointed to serve written waiver request on the defendant. The waiver of service request shall be accompanied by a copy of the complaint and shall inform the defendant of the consequences of compliance and of failure to comply with the requests. The request shall allow the defendant at least 30 days from the date it is sent (60 days if addressed outside any judicial district of the United States) to return the signed waivers. If a signed waiver is not returned within the time limit given, the Clerk of Court's office shall transmit the summons and a copy of the complaint to the U.S. Marshals Service for immediate service under FED. R. CIV. P. 4(c)(1), and a copy of this order shall be directed to all parties.

7. All original pleadings and other papers submitted for consideration to the Court in this case are to be filed with the Clerk of this Court. Copies of papers filed in this Court are to be served upon counsel for all other parties (or directly on any party acting *pro se*). Service may be by mail. Proof that service has been made is provided by a certificate of service. This certificate shall be filed in the case along with the original papers and shall show the day and manner of service. An example of a certificate of service by mail follows:

I, (name) , do hereby certify
that a true and correct copy of the
foregoing (name of pleading or other
paper) has been served upon (name(s)
of person(s) served) by placing the same
in the U.S. Mail, properly addressed,
this (date) day of (month), (year).

(Signature)

If any pleading or other paper submitted for filing does not include a certificate of service upon the opposing party or counsel for opposing party, it may be disregarded by the Court.

8. Any request for court action shall be set forth in a motion, properly filed and served. The parties shall file all motions, including proof of service upon opposing parties, with the Clerk of Court. The Federal Rules of Civil Procedure, local rules and Judge Savage's Policies and Procedures, a copy of which is attached, are to be followed. Plaintiff is specifically directed to comply with Local Civil Rule 7.1 and serve and file a proper response to all motions within fourteen (14) days. Failure to do so may result in dismissal of this action.

9. Plaintiff is **not** required to comply with Section 4:01 of the Civil Justice Expense and Delay Reduction Plan for the United States District Court for the Eastern District of Pennsylvania (the "Plan"), unless directed by further Order of the Court.

10. Plaintiff is specifically directed to comply with Local Rule 26.1(f) which provides that "[n]o motion or other application pursuant to the Federal Rules of Civil Procedure governing discovery or pursuant to this rule shall be made unless it contains a certification of counsel that the parties, after reasonable effort, are unable to resolve the dispute." Plaintiff shall attempt to resolve any discovery disputes by contacting defendant's counsel directly by telephone or through correspondence.

11. No direct communication is to take place with the District Judge or United States Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk.

12. In the event the summons is returned unexecuted, it is plaintiff's responsibility

to ask the Clerk of the Court to issue an alias summons and to provide the Clerk with the defendant's correct address, so service can be made.

13. The parties shall notify the Clerk's Office when there is an address change. Failure to do so could result in court orders or other information not being timely delivered, which could affect the parties' legal rights.

14. The Clerk of Court is directed to forward a copy of this Order to the Warden or other appropriate official at Warren County Correctional Center and the plaintiff.

/s/Timothy J. Savage
TIMOTHY J. SAVAGE, J.